

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

**STATE OF MISSOURI,
RESPONDENT**

vs.

**MELVIN LEROY TYLER,
APPELLANT**

DOCKET NUMBER WD73322

DATE: AUGUST 9, 2011

Appeal from:

The Circuit Court of Platte County, Missouri
The Honorable Keith M. Sutherland, Judge

Appellate Judges:

Division Three: Victor C. Howard, P.J., Alok Ahuja and Karen King Mitchell, JJ.

Attorneys:

Jayne T. Woods, for Respondent

Melvin Leroy Tyler, Appellant Pro-se

MISSOURI APPELLATE COURT OPINION SUMMARY

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

STATE OF MISSOURI, RESPONDENT

v.

MELVIN LEROY TYLER, APPELLANT

WD73322

Platte County, Missouri

Before Division Three: Victor C. Howard, P.J., Alok Ahuja and Karen King Mitchell, JJ.

Melvin Tyler was convicted in 1977 of robbery in the first degree, rape, kidnapping, and armed criminal action. His convictions were affirmed on direct appeal. In February 2010, Tyler filed a pro se motion in his criminal case requesting the assignment of a judge to dispose of his pending motions challenging the lawfulness of his sentences. The trial court denied the motion. Tyler appeals.

DISMISSED.

Division Three holds:

Where the judgment Tyler appealed was not a judgment of conviction and sentence, the judgment was not a final judgment in his criminal case for purposes of appeal. To the extent that Tyler claims his motion was a petition for a writ of habeas corpus, the denial of such a petition is not appealable. Therefore, Tyler's appeal is dismissed for lack of a final, appealable judgment.

Opinion by: Victor C. Howard, Judge

Date: AUGUST 9, 2011

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